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Security Council

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Working Group on Children and Armed Conflict

Conclusions on parties to the armed conflict in the Democratic Republic of the Congo

1. At its 9th meeting, on 19 July 2007, and in subsequent discussions, the Working Group examined a report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2007/391), introduced by the Special Representative of the Secretary-General. The Permanent Representative of the Democratic Republic of the Congo participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a favourable response.

4. The members of the Working Group expressed their appreciation for the thorough and informative report of the Secretary-General and drew attention to the full range of justice and reconciliation mechanisms to be considered with a view to ending impunity for crimes affecting children in the Democratic Republic of the Congo, including national, international and "mixed" criminal courts and tribunals.

5. They also welcomed the cooperation of the Government of the Democratic Republic of the Congo with the Working Group and the Special Representative of the Secretary-General.

6. They underlined the need for fruitful cooperation between the Working Group and the Government of Rwanda.

7. They specifically endorsed the recommendation of the Secretary-General that priority be assigned to altering the prevailing culture of indiscipline and tolerance of abuses against children and civilians.

8. They paid tribute to Alphonse Batibwira, a child protection agent of the local non-governmental organization UPADERI, who was killed in North Kivu on 26 July 2006, while conducting advocacy work on the separation of children from armed groups.

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9. The Permanent Representative of the Democratic Republic of the Congo endorsed the recommendations of the Secretary-General; underlined the lack of financial resources, which has prevented his Government from implementing programmes and policies that address the question of the protection of children in armed conflict; and stressed the excellent cooperation of the Government of the Democratic Republic of the Congo with the International Criminal Court. He requested that the arrest warrant against Laurent Nkunda be carried out; mentioned the fact that the arms embargo impacted negatively on the Government's capacity to secure borders and protect civilians; suggested that special attention be given to the specific situation of girls; and invited the Special Representative of the Secretary-General to visit his country again.

10. Further to this meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolution 1612 (2005), the Working Group agreed to the following.

Recommendations to the Security Council

11. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Government of the Democratic Republic of the Congo

(a) *Welcoming* the cooperation of the Government of the Democratic Republic of the Congo with the Working Group and the Special Representative of the Secretary-General;

(b) *Welcoming* the efforts of the Government of the Democratic Republic of the Congo to promote the rights of children in situations of armed conflict, in particular its ratification of the Convention on the Rights of the Child (1989) and its Optional Protocols;

(c) *Taking note* of the ongoing cooperation of the Government of the Democratic Republic of the Congo with the International Criminal Court in its independent investigations aimed at ensuring accountability for the perpetrators of war crimes against children in the Democratic Republic of the Congo;

(d) *Strongly urging* the Government of the Democratic Republic of the Congo:

(i) To address the issue of impunity for perpetrators of violations and abuses committed against children, with the assistance of forces of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), and to act upon their arrest warrants for Laurent Nkunda, to confirm the charges against former Mai-Mai commander Kynugu Mutanga, known as Gédéon, and to rearrest Jean-Pierre Biyoyo, former commander of the armed group Mudundu 40;

(ii) To prosecute as a matter of priority other persons responsible for crimes committed against children;

(iii) To identify, together with the World Bank and the main donors, financial mechanisms to complete the process of identification, verification and separation of children among the Armed Forces of the Democratic Republic of the Congo (FARDC), non-integrated forces and dissident or non-eligible

armed groups, with a view to reaching children in a way that is distinct from the adult-oriented national disarmament, demobilization and reintegration programme;

(iv) To facilitate, together with FARDC, the work of child protection partners in separating children from the mixed brigades and taking the necessary measures against the commanders (and those at the lower level of command) who continue to obstruct the separation of children;

(v) To take specific care, in the disarmament, demobilization and reintegration process, of girls exploited by armed forces and groups, as well as of children born of rape, including through recognition of their citizenship;

(e) *Inviting* the Government of the Democratic Republic of the Congo to inform the Security Council of the follow-up given to the above requests;

To the Secretary-General

(f) *Recalling* the mandate of MONUC to protect children as defined in Security Council resolution 1756 (2007);

(g) *Reminding* the Secretary-General of the letter by the Chairman of the Working Group dated 2 November 2006, and reiterating the responsibility of MONUC to cooperate with national and international efforts to bring to justice perpetrators of crimes committed against children in situations of armed conflict, specifically Laurent Nkunda;

(h) *Expressing gratitude* for the response of the Under-Secretary-General for Peacekeeping Operations in his letter to the Chairman of the Working Group dated 15 December 2006, as well as for MONUC support to the Government of the Democratic Republic of the Congo with technical assistance for the *Auditeurs militaires* in bringing an end to impunity for violations and abuses committed against children by military forces or armed groups present in the Democratic Republic of the Congo, as a follow-up to the conclusions of the Working Group on parties to the armed conflict of the Democratic Republic of the Congo of 8 September 2006 (S/2006/724);

(i) *Drawing the attention* of the Secretary-General to the lack of financial resources for reintegration programmes for children formerly associated with armed forces and groups in the Democratic Republic of the Congo, and inviting him to call upon the international community to increase funding for such programmes;

To the Government of Rwanda

(j) *Acknowledging receipt* of the letter of the Permanent Representative of Rwanda to the United Nations dated 9 February 2007 (S/2007/79), in response to the letter of the President of the Security Council dated 25 January 2007;

(k) *Welcoming* the cooperation of the Government of Rwanda with the Working Group in fighting crimes and abuses committed against children affected by armed conflict in the Democratic Republic of the Congo, as well as its efforts to work with United Nations agencies in addressing the issue of the protection of these children;

(l) *Inviting* the Government of Rwanda to help further in addressing the issue of the protection of children in a manner consistent with Security Council resolution 1612 (2005);

To the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

(m) *Informing* the Chairman of the Committee of the grave concern of the Working Group regarding the repeated violations of Security Council resolutions on children and armed conflict by the persons named in the report of the Secretary-General (S/2007/391).

Direct action by the Working Group

12. The Working Group also agreed to address letters from its Chairman:

To the World Bank

(a) *Expressing gratitude* for the response of the World Bank dated 1 December 2006 to the letter of the Chairman dated 3 November 2006, as well as for its commitment to the disarmament, demobilization and reintegration programme in the Democratic Republic of the Congo, and inviting it to uphold the level of funding;

(b) *Encouraging* the World Bank to urgently identify financial mechanisms to help complete the process of identification, verification and separation of children among FARDC, non-integrated forces and dissident or non-eligible armed groups, with a view to reaching children in a way that is distinct from the adult-oriented national disarmament, demobilization and reintegration programme;

To the main donors

(c) *Encouraging* the main donors to urgently identify financial mechanisms to help complete the process of identification, verification and separation of children among FARDC, non-integrated forces and dissident or non-eligible armed groups, with a view to reaching children in a way that is distinct from the adult-oriented national disarmament, demobilization and reintegration programme;

(d) *Encouraging* the main donors to allocate funding to support reintegration activities for children (boys and girls) formerly associated with armed forces and groups, emphasizing educational and socio-economic reintegration activities, with a view to preventing the re-enrolment of children in armed forces and groups by providing them with a viable alternative;

(e) *Encouraging* the main donors to grant adequate resources to the implementation of projects aimed at responding to sexual violence against women and girls through primary health-care programmes that facilitate access to health centres and by providing medical services to women and girls in general, rather than to women and girls who are victims of abuse, thus avoiding the stigmatization of victims of sexual violence;

(f) *Expressing* the need to further support the Government of the Democratic Republic of the Congo with technical assistance for the *Auditeurs militaires* in bringing an end to impunity for violations and abuses committed against children committed by military forces or armed groups present in the Democratic Republic of the Congo and, in this regard, expressing gratitude to the Government of Belgium

for the decision it has taken to provide financial support to the *Auditeurs militaires* as a follow-up to the conclusions of the Working Group on parties to the armed conflict of the Democratic Republic of the Congo of 8 September 2006 (S/2006/724);

To the Office of the United Nations High Commissioner for Refugees

(g) *Commending* the work carried out on the ground by the United Nations High Commissioner for Refugees, and encouraging it to continue to protect children in cooperation with all concerned authorities of the Great Lakes region in a manner consistent with Security Council resolution 1612 (2005).